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October 23, 2012

Hon. Kiyo A. Matsumoto, U.S.D.J.  
UNITED STATES DISTRICT COURT  
225 Cadman Plaza East  
Brooklyn, New York

**Re:     *Wade, et al. vs. Law Office of Mark A. Carey, et al.***  
E.D.N.Y. Case No. 1:10-cv-05900-KAM-MDG

Dear Judge Matsumoto,

I am counsel for the Plaintiffs in the referenced action. I am write pursuant to Your Honor's Order to Show Cause of October 19, 2012. As a preliminary matter I apologize to the Court for my firm's apparent oversight in failing to file a Joint Status Letter, by July 25, 2012.

On May 30, 2012, Magistrate Judge Go conducted a settlement conference with the Parties during which Plaintiffs adopted the Court's recommended settlement, but which Defendants declined to accept. Magistrate Judge Go subsequently adjourned the May 30th settlement conference and instructed the Parties to continue working towards a possible informal settlement. Since then, the Parties have continued their settlement discussions; however, it is apparent the Parties remain at an impasse, as Defendants refuse to settle this case unless the Plaintiffs in this case can convince some plaintiffs who hold a judgment against Defendants in an unrelated matter to also settle their claims. That other matter, which involves the same Defendants, but difference plaintiffs and counsel, is captioned as, *Bralley, et al. v. Mark A. Carey, et al.*, U.S. Dist. Court, E.D. Va. Case No. 3:10-cv-00138-REP-DWD.

In *Bralley*, the District Court held the Defendants in contempt of court and there is, to my understanding, currently a judgment in excess of \$40,000.00 that was entered against the Defendants in that case. Neither the Plaintiffs here, nor their undersigned counsel, have any involvement in the *Bralley* case. Thus, Plaintiffs are unable to settle this case as they are unable to influence, negotiate, or settle the *Bralley* case as Defendants demanded.

Plaintiffs are ready for trial. In light of the foregoing, Plaintiffs respectfully request that Your Honor set this action for trial; Plaintiffs estimate that trial should take approximately 2-3 days.

Respectfully submitted,

s/ William F. Horn

William F. Horn

via ECF Filing Only

cc:     Defendant via ECF Filing Only